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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,180	09/19/2001	Koji Miyajima	034620-096	9415
46188	7590	01/11/2008		
THELEN REID BROWN RAYSMAN & STEINER LLP			EXAMINER	
P. O. BOX 640640			BROWN, RUEBEN M	
SAN JOSE, CA 95164-0640			ART UNIT	PAPER NUMBER
			2623	
			MAIL DATE	DELIVERY MODE
			01/11/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/955,180

Applicant(s)

MIYAJIMA ET AL.

Examiner

Reuben M. Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 9/27/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/27/2007 has been entered.

### ***Response to Arguments***

Applicant's arguments with respect to claims have been considered but are not moot in view of the new grounds of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 1-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanigawa, (U.S. Pat # 7,305,698), in view of Mao, (U.S. Pat # 7,096,484).

Considering claim 1, the claimed video distribution system that distributes video data to a user terminal that can connect to a network, comprising;

‘a distribution list generating device that generates a distribution list that defines a distribution order of the video data of the user terminal and includes a link name that links video data as a distribution request destination’, reads on the data transmitting apparatus 110, which includes a file storing unit 121 that stores the file list 200; Fig. 1 & Fig. 2. The claimed ‘distribution order’ reads on the serial number 201, that place the files in ascending order, see col. 8, lines 35-45; Fig. 2. 40-45. The claimed ‘link name that links video data’, reads on the HTML address for each file, such as for instance <http://www.wbc.com/sub1>, disclosed in Fig. 2.

‘link list generating device that generates a link list that is a correspondence list between the link name and a video data file name corresponding to the link name’, also reads on the transmitting apparatus that creates a ‘file list 200’ which shows the correspondence between the file names and the link name, Fig. 2. The claimed, ‘video data file name’, corresponds with the file name shown in the rightmost column 203, of Fig. 2; col. 8, lines 18-26.

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The additionally claimed feature, 'and stores the link list into the video distribution system', is broad enough to read on col. 8, lines 36-42; col. 9, lines 60-65.

'link list updating device that updates the video data file name corresponding to the link name in the instant link list to another video data file name depending on distribution condition, wherein the video data is distributed based on the link list' Tanigawa does not discuss the details of the updating procedure. However Mao, which is in the same field of endeavor of broadcasting web pages synchronized with TV content, provides a teaching of updating the files, see col. 10, lines 35-67. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Tanigawa with the disclosure of updating the files, at least for the desirable benefit of providing the user with a wider range of information, as taught by Mao; col. 4, lines 41-67.

Considering claims 2, 9 & 12 'wherein, in the case in which the video data is associated with distribution condition information that includes as the distribution condition information at least one of, 'time and duration information', 'area information that designates the distribution area', 'cumulative distribution number information that limits the cumulative number of distributions' and 'attribute information about the user', is met by the discussion of Tanigawa that if video data is stored in a mass storage device, then at the presentation time, the system will retrieve the appropriate video data file, from the appropriate storage location, see col. 6, lines 30-50 & col. 7, lines 65-67 thru col. 8, lines 1-20.

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Considering claims 3-4, the claimed subject matter reads on the discussion in Tanigawa that, 'in effect the system coverts the pushed data transmitted by the broadcast station to pulled data (i.e., data that can be retrieved at the request of the user); col. 14, lines 52-67 thru col. 15, lines 1-61; col. 18, lines 40-67.

Considering claim 5, the claimed 'video data selecting device that refers to the video data that is scheduled for distribution and selects video data to be distributed thereafter', reads on the Tanigawa, col. 29, lines 1-52.

Considering claim 6, the claimed, 'updating device updating the video data file by referring to the priority order list that determines priority order in the distribution of the video data', the claimed priority reads on the serial number in ascending order, shown in Fig. 2.

Considering claims 7-8 & 10, the claimed video distribution system that distributes video data user terminal comprises features that correspond with subject matter mentioned above in the rejection of claim 1 and is likewise treated.

Considering claims 11 & 13, the claimed computer-readable medium encoded with a computer program that comprise that which correspond with subject matter mentioned above in the rejection of claims 1 & 7-8, and are likewise treated. As for the claimed computer readable medium, both Tanigawa & Mao, meet the limitation.

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Considering claims 14, 19, 24, 29, 34 & 39, the newly added subject matter reads on the disclosure in Tanigawa, that the invention is applicable in normal live TV broadcasts, see col. 19, lines 31-65; col. 20, lines 16-52.

Considering claims 15, 20, 25; 30, 35 & 40, the claimed 'obtains a distribution state', reads on the system determining that the live data objects are obsolete, col. 7, lines 60-64; col. 9, lines 26-36. And updating the video data file name corresponding to the link name to the other video data file name in accordance with the distribution state thus obtained and distribution conditions, reads on the updated version of the live content or data objects, as discussed in the analysis of claims 14, 19, 24 & 29.

Considering claims 16, 21, 26 & 31, the claimed subject matter reads on the discussion in Tanigawa that the data may be pre-stored or cached, prior to broadcasting of the associated program, col. 11; col. 18, lines 15-50.

Considering claims 17, 22, 27, 32, 36, 37, 41 & 42, the claimed subject matter merely reads on the server in Mao, which cyclically (i.e., periodically) transmits the carousels to the consumers, determining the data objects included within the stream, which is inherent in the invention and reads on the 'distribution log'. In order for the server to transmit carousel information that indicates the data objects within the stream, this information is necessarily detected at the server, see col. 7, lines 20-52.

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Considering claims 18, 23, 28, 33, 38 & 43, Mao teaches updating the version number of dating files to be transmitted to the consumer; thereby transmitting updated information to the consumer, as recited in the claims. However, Mao does not explicitly disclose that the updated file name may reference a file located at a different server from the first server. Official Notice is taken that at the time the invention was made, it was known for a distribution system to access data from multiple different servers in order to be transmitted to one or more consumers. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Tanigawa & Mao with the well-known feature of providing consumers with data from multiple servers, at least for the advantage of providing the consumers with a wider range of programming. Therefore modifying Tanigawa & Mao with the Official Notice statement would provide for changing the video data file name to the video data file of another file at another server, which would allow the system to access a wider range of programming to transmit to the consumer.

Considering claim 44, since both Tanigawa & Mao are interactive system, the claimed subject matter reads on any particular user choosing a particular path, according to the selections, Therefore, the updates associated with the content of a particular user, would necessarily be different from a user that chose a different path of selections.

**Any response to this action should be mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450



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[www.uspto.gov](http://www.uspto.gov)

**or faxed to:**

(571) 273-8300, (for formal communications intended for entry)

**Or:**


(571) 273-7290 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F(8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown

  
REUBEN M. BROWN  
PATENT EXAMINER